

HALL COUNTY BOARD OF SUPERVISORS MEETING APRIL 5, 2005

The Hall County Board of Supervisors met March 22, 2005, by published call in the county board meeting room, 121 South Pine, Grand Island.

CALL TO ORDER - The meeting was called to order by Chairman Pamela Lancaster.

INVOCATION - Invocation was given by Chairman Pamela Lancaster.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Robert Rye. Also present was a representative from the *Grand Island Independent* and Deputy County Attorney Michelle Oldham.

CONSENT AGENDA ITEMS – Eriksen made a motion and Jeffries seconded to approve the following by consent agenda:

1. Accept and place on file the minutes of the March 22 meeting
2. 5b Approve the diesel fuel tax claim in the amount of \$925.00
3. 6 Approve the amusement license for Mid Nebraska Speedway
4. 7 Approve the proclamation #05-008 for April as Child Abuse Prevention Month
5. 15a Accept and place on file communications from Regional Planning
6. 15 b set the public hearing for the Planned Unit Development for Bellamy Subdivision for April 19, 2005 at 9:30 a.m.
7. 24 Accept and place on file the Hall County Treasurer's Miscellaneous Receipts
8. 25 Accept and place on file communications as received.

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

The Child Abuse proclamation was read and Diane Muhlbach with CASA presented blue ribbons to the board members and members of the audience.

APRIL CHILD ABUSE PROCLAMATION #05 - _____

WHEREAS, a total of 1,434 child abuse and neglect cases were investigated and a total of 251 cases were substantiated through the Grand Island Regional Nebraska Health and Human Services System and law enforcement in Hall, Hamilton, Merrick and Howard Counties in 2003; and

WHEREAS, the effects of child abuse are felt by whole communities and must be address by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies and the business community; and

WHEREAS, all citizens should become more aware of child abuse and its prevention within the community and become involved in supporting parents to ensure their children are valued, safe and healthy.

NOW THEREFORE, BE IT RESOLVED by the Hall County Board of Supervisors that April is

CHILD ABUSE PREVENTION MONTH

In Hall County and that we call upon our citizens to accept their responsibility for reporting and preventing child abuse and to wear a BLUE RIBBON to show that it shouldn't hurt to be a child. Remembering that, every child should be valued, safe and healthy and deserves a BLUE RIBBON.

PASSED AND ADOPTED THIS 5th DAY OF April 2005.

Resolution moved by Supervisor _____

Seconded by Supervisor _____

VOTE:

Scott Arnold	For____; Against____; Abstained____; Not Present____.
Richard Hartman	For____; Against____; Abstained____; Not Present____.
William P. Jeffries	For____; Against____; Abstained____; Not Present____.
Pamela Lancaster	For____; Against____; Abstained____; Not Present____.
Jim Eriksen	For____; Against____; Abstained____; Not Present____.
Bob Rye	For____; Against____; Abstained____; Not Present____.
Bob Humiston	For____; Against____; Abstained____; Not Present____.

HALL COUNTY BOARD OF SUPERVISORS

Pamela Lancaster, Chairman of the Board of Supervisors

Marla J. Conley Hall County Clerk

13 DISCUSS & AUTHORIZE CHAIR TO SIGN EMERGENCY MANAGEMENT GRANT
Paul Briseno was present. He is requesting the chair to sign the grant application. This is a two step grant that includes law enforcement and fire districts.

Jeffries made a motion and Eriksen seconded to authorize the Chair to sign the grant application. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

2 COUNTY ATTORNEY – No items listed.

PUBLIC PARTICIPATION – Chairman Lancaster called for public participation. Kurt Brandt, president of the local UFCW was present and requested to speak to the board. He stated that he is in receipt of the correspondence regarding the CIR determination and questioned what the next steps would be. He noted that the ruling stated negotiations should start within 30 days. Lancaster stated that all correspondence should go through the county's attorney and they will not discuss this at this time. Mr. Brandt presented the Chairman with a letter requesting that the board respond to him in writing.

Allen Ogg president of the Local 401 stated that they just want to get back to the table and come to a resolution.

Neal Kelly requested to speak to the board. He stated that he was the former president of the union and when he read the paper regarding the issue on the unions he wanted to address this. When the name of Jerry Pigsley came out in the paper, he was concerned because Mr. Pigsley does not want to work with employees and all of the dollars that went to pay him could have been used to pay wages to Hall County employees and the dollars would have stayed in Hall County.

Chairman Lancaster called for public participation and no one responded.

4 ROB SCHULTZ – REPORT ON NATIONAL INVASIVE WEED AWARENESS WEEK MEETING IN D.C. – Rob Schultz, the director of the weed department stated that he attended this seminar and gave a power point presentation of the trip.

He noted that President Bush signed the noxious weed control and extradition act of 2004 with \$15 million of funding for fiscal year 2006, but there were no appropriations for the bill.

Sunday evening there was an orientation with NIWAW and everyone was briefed on the activities for the week. Monday the NIWAW meeting was held. He reviewed some of the activities that they attended. They also met with Senator Hagel and Senator Osborne, Senator Ben Nelson and Congressman Jeff Fortenberry. They also stopped at Lee Terry's office and talked with his aids. They stopped at Secretary of Agriculture Mike Johann's office but he was not available. On Wednesday morning there is a Nebraska delegation breakfast that they attended. He stated that it was a very interesting seminar.

Mr. Schultz stated that he held an irrigated pasture and grass seminar at College Park on March 25 and there was a good response. He also had people attend from other counties.

He stated that the salt cedar is a problem around some lakes in Nebraska. The mature plant can use 200 to 300 gallons of water a day. Eriksen questioned if they are using a type of beetle to help control this. Mr. Schultz stated that this is still in the experimental process.

Lancaster thanked Mr. Schultz for attending the conference; this is a huge benefit to Hall County.

5a PUBLIC WORKS COMMITTEE RECOMMENDATION – MONITOR ROAD – Jeffries made a motion and Eriksen seconded that according to Nebraska State Statute 39-1701, 39-1713 to 1719 the application from Platte River Mallard Haven be denied. The statutory requirements have not been met and it was denied under 39-1701.

Supervisor Rye asked for more explanation. Deputy County Attorney Michelle Oldham stated she attended the committee meeting and section 39-1716 requires that the land not be isolated at the time it was purchased and it was not.

Supervisor Arnold also expressed concern. The original use of the property was for pasture and there was access for that but not access to the property for utility services.

Michelle stated that if the board were to follow the 1950 action to open the road that would require purchasing right-of-way. That would not be in the best interest of the county and both sides are not interested in making this a public road.

Hartman expressed concern that the right to have public power will be denied. Rye also stated that it is a shame that there cannot be a compromise. He has concerns to vote to make it a public road at the county's expense but disappointed that Mr. Lauvetz cannot work with them on this issue.

Attorney Jerry Janulewicz noted that in 1953 the county board voted to reinstate the action to open the road, they waived notice and the fences were moved the paperwork just was not completed. In the future this would require that the land owners do title searches on roads to make sure that the roads are properly opened. He is requesting the board to respect the prior action and open the road.

Attorney Steve Leininger stated that it clearly shows that the road was not created and there were no deeds filed. The property is still owned by the land owners. This property was not isolated when it was purchased.

Hartman questioned if they could talk to Mary Lanning to see if there is electricity close to their land. Arnold stated that this action does not limit the owners to come back in the future for action to open this road. Arnold stated he agrees with Mr. Rye that there should be some type of resolution on this issue.

Deputy County Attorney Michelle Oldham stated that if the board were to decide to proceed with the action in 1953 it would have been a section line road and the county would be responsible for bearing the cost of doing that.

The vote on the motion to deny the request was taken. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and Hartman voted no. Motion carried.

8 DISCUSS AND APPROVE REAPPOINTMENT TO VETERANS SERVICE

COMMITTEE – The board received a letter from Don Shuda Veterans Service Officer informing them that the five-year term for the American Legion Post #333 will expire. They are recommending reappointing D.B. “Casey” Caswell to the committee.

Jeffries made a motion and Eriksen seconded to accept the recommendation to appoint Casey Caswell for another five-year term. Jeffries stated that Casey has served for over 50 years and is a good member. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

12 ACCEPT RESIGNATION & DISCUSS UPCOMING VACANCY ON AIRPORT

AUTHORITY BOARD – The board received a letter of resignation from Hall County Airport Authority board member Doyle Hulme. He will be moving and the county board needs to appoint a member to fill his term. This is an elected position and they will have to run for election. Discussion was held to accept applications or letters of interest until May 15th and then conduct interviews. It was suggested that the personnel committee met on May 16th and review the applications and narrow them down to a manageable number.

Jeffries made a motion and Eriksen seconded to accept applications until May 13, 2005 until 5:00 p.m. The applications are to be received by the Hall County Clerk’s Office. Arnold Eriksen, Hartman Humiston, Jeffries Lancaster and Rye all voted yes and none voted no. Motion carried.

The personnel committee will review the applications and come back to the county board on May 17th with a recommendation for the number of applicants to interview. They will narrow theme down to a manageable number and set a date for the interviews. Once the interviews are completed they will make the final determination on May 31st.

Arnold stated that this is an elected position and it is important to make the applications public because this will be on the next general election ballot. Hartman also agreed.

Arnold made a motion and Hartman seconded to make the applications public because this is an elected position. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

9 INSURANCE COMMITTEE RECOMMENDATION – AMENDMENTS TO HEALTH

INSURANCE PLAN – The county board received these proposed amendments from the health plan third party administrator and they were referred to the health insurance committee. The committee met April 1st and received information form the Mid America regarding the amendments. After reviewing the information the committee recommended to approve the amendments. These amendments are reviewed by a medical review board before they are recommended. Arnold expressed concern that the obesity surgery can be life changing and even through there are risks it improves the quality of life. He expressed concern that they are only looking at the financial issues.

Eriksen made a motion and Arnold seconded to table this issue for more information from Lee Johnson with Mid America the third party administrator. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

11 DISCUSS ON REQUEST TO PAVE TWO MILES OF SOUTH LOCUST – Hartman stated that he as asked to put this on the agenda. This was discussed in Loup City at the Ag-land Board meeting. The people in the area can vote to succeed. Lancaster stated that the board received a letter and a response was sent to them. There is a meeting on April 13 to meet with the Doniphan Economic Development board

Eriksen stated that at this time no further action was taken to pave the two miles on South Locust, but it is in the 6 year plan. No action was taken on the letter.

10 EXECUTIVE SESSION – UNION NEGOTIATIONS – Jeffries made a motion and Eriksen seconded to go into executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

10:22 a.m. executive session

11:50 a.m. Jeffries made a motion and Humiston seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Jeffries made a motion and Eriksen seconded to request a wage and benefit determination for the current fiscal year and next fiscal year for the UFCW and CWA employees. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and Hartman abstained. Motion carried

Jeffries made a motion and Eriksen seconded to authorize the County Clerk to repay health insurance as directed by the CIR to the UFCW and CWA employees including interest as of the date of the judgment, March 24, 2005, and to make like reimbursement for non affected employees pending no change resulting from the future CIR ruling. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried. All correspondence will be handled through Jerry Pigsley.

16 COMMENCE AUDIT OF BI WEEKLY PAY CLAIMS AND ACTION ON CLAIM AUDIT AND APPROVE EARLY CLAIMS – (1) Hall County Court (2) National Association of Counties (3) Transfer claim to General Fund for \$500,000.00.

Jeffries made a motion and Eriksen seconded to approve the bi weekly pay claims and the early claims for County Court, the National Association of Counties and the transfer claim to the General Fund. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

17 STATUS REPORT OF CLEANUP & DISPOSAL OF CAAP LAND – Eriksen stated that there was an article in the newspaper regarding a meeting with the Army Corp of Engineers on the cleanup of the CAAP land. There are four or five divisions that are involved in the environmental side of this project. The Environmental Protection Agency, the Nebraska Department of Environmental Quality, NPPD and the Central Nebraska NRD all met to review all of the options that are available and to discuss all of the work the needs to be done to transfer the land. There was a report that one more site was located that has asbestos that has to be removed. They are trying to identify all of sites that need to be cleaned up. There is no change in the direction and they hope to have all of the land transferred by the end of October 2005.

BOARD MEMBER'S REPORTS – Hartman stated that he attended the last Ag-land board meeting, since this board has been dissolved by the governor. He questioned if the land that is located by the South Locust interchange is going to be rented out. He stated that the landowners have expressed interest to rent it again. The County receives revenue on this and he would like to see the county receive the revenue. He questioned why it could not be rented out again this year and still proceed with the acquisition of the right-of-way to gain access to the property. Discussion was held on the amount of the rent.

Jeffries stated that the public works committee has met and they have discussed removing some cedar trees on the property. They decided it would be better to wait until there is access to the property before they do this work. They will discuss this again.

Hartman also questioned if the house at the park was going to be rented out. It is sitting empty now. Eriksen stated that this will be referred to the parks committee and they will come back with a recommendation.

Humiston – no report

Eriksen – no report

Rye - no report

Jeffries – Jeffries stated that the public work committee met and he provided information to the board members regarding overlays on county roads. To maintain all of the paved roads in the county it is necessary to do twice as much overlay as they currently do. Currently they do 8 to 10 miles. He also included a graph of the county budget and this shows a reduction in funding.

Arnold - He noted that some of the budget reduction is due to the fact that keno funds were eliminated for paving projects

Lancaster – She stated that she received an E-mail regarding LB 529 that provides that the Clerk of the District Court and Court Magistrate offices become state offices. The County would still have costs but would not receive the revenue. Michelle Oldham stated that Clerk of the District Court Valorie Bendixen would like to talk to the County Board regarding this issue. Some issues that would affect other counties will not affect Hall County.

NEW OR UNFINISHED BUSINESS – Chairman Lancaster called for new or unfinished business and County Clerk Marla Conley stated that she received the application for the renewal of the flex plan. This will be placed on the agenda in two weeks and the representative will be asked to attend.

Meeting adjourned at 12:00 p.m. the next meeting will be April 19, 2005 at 9:00 a.m.

Marla J. Conley Hall County Clerk

